BID OPENING CITY OF SAN JOSE OFFICE OF THE CITY CLERK

City Clerk Time Stamp

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No.	-
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TOTAL BASE BID_	147,000 -
ALT NO. 1	5,000 -
ALT NO. 2	5,000 —
ALT NO. 3	
Alt No. 4	
Alt No. 5	

C.

BID DATE: Tuesday, October 06, 2009

Project Manager: Ellen Croutch - 535-8442

Arzino Ranch Demolition

BIDDER NAME:	Soil	Enter	prises
Bond_Cashi	er's Check	THE COLUMN TWO COLUMN TO	
Addendums Includ	ded(3)		YESNO
NonCollusion Affic	davit		YES NO

PROPOSAL TO CITY OF SAN JOSE

FOR ARZINO RANCH DEMOLITION

Name of Bidder: SOIL ENTERPRISISS, FM.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on September 3, 2009, entitled Arzino Ranch Demolition and the Specifications approved by the Director of Public Works on September 3, 2009, entitled Arzino Ranch Demolition on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an <u>individual</u>, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporate ittle; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

SCHEDULE OF QUANTITIES

DESCRIPTION OF WORK:

Furnish all necessary labor, materials, equipment, and incidentals to complete the work, as described in the Plans and Specifications for this project; this requirement applies to the base bid, bid alternates and revocable items.

For the: ARZINO RANCH DEMOLITION

TOTAL BID PRICE FOR THE WORK IN FIGURES:

Total Base Bid	
All work descri	bed by the contract documents (drawings and specifications) \$ 147,000 =
Revocable Bid	Items (included in base bid):
Grading	\$ 5,000°=
Hydroseeding	s 15,000°

NOTE TO BIDDERS:

Revocable Items:

- 1. See Standard Specifications General Provisions Section 2-1.06 Rejection of Proposals Any proposals submitted with the dollar value for any revocable bid items that does not represent a reasonable fair market value for the work included in those items may be considered an unbalanced bid with disproportionate amounts of payment for portions of the work.
- 2. See also Special Provisions Section 4-1.03E Revocable Contract Items.

See the Special Provisions Section 3-1.01D for descriptions of "Award of Contract"

Bid alternate and revocable bid item prices are to include the contractor general conditions, profit and overhead, bonding and related costs specific to the scopes of work for each individual alternate or revocable item.

Refer to specification section 01230 for additional information.

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

- 1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
- 2. A "List of Subcontractors".
- A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: ARZINO RANCH DEMOLITION	
KEN MANNING	, being first duly sworn, deposes and says that he/she is
partnership, company, association, organization, or corporate bidder has not directly or indirectly induced or solicited any or indirectly colluded, conspired, connived, or agreed with a shall refrain from bidding; that the bidder has not in a communication or conference with anyone to fix the bid proposed of the profit, or cost element of the bid price, or of that of any other awarding the contract of anyone interested in the proposed of further, that the bidder has not, directly or indirectly, submodulents thereof, or divulged information or data relative the partnership, company, association, organization, bid deposed collusive or sham bid. In accordance with Title 23, United States Code, Section he/she has not, either directly or indirectly, entered into any any action in restraint of free competitive bidding in connect false certification may subject certifier to criminal prosecut. The undersigned declares under penalty of perjury	e in the interest of, or on behalf of, any undisclosed person, ion; that the bid is genuine and not collusive or sham; that the other bidder to put in a false or sham bid, and has not directly any bidder or anyone else to put in a sham bid, or that anyone any manner, directly or indirectly, sought by agreement, ice of the bidder or any other bidder, or to fix any overhead, or bidder, or to secure any advantage against the public body contract; that all statements contained in the bid are true; and mitted his or her bid price or any breakdown thereof, or the hereto, or paid, and will not pay, any fee to any corporation, sitory, or to any member or agent thereof the effectuate a in 112, the bidder hereby states, under penalty of perjury, that agreement, participated in any collusion, or otherwise taken attended to the information contained in this proposal and all that the information contained in this proposal and all
accompanying documents are true and correct.	
Executed on	
SOIL ENTERPRISES, INC.	City Business Lic. No.:
Legal Company Name	Expiration Date:
10110011	State Contractor Lic. No.: 549900
ao a Pola Tov	Classification: A - 221
Indicate Type of Entity: Sole Proprietorship,	Expiration Date: 4-30-11
Partnership (General/Limited Partners),	Federal I. D. No.: 68-0206811
Corporation, Joint Venture, etc.	Address: Po Box 733
ha ha	BRENTWOOD, CA. 94505
Tiple: profis of the	Telephone: 975-516-1111
**************************************	***************
NOTARY	
On Oct. 6,2009 before me, Rogina Mi	Kodeen Cnotteny public, personally appeared to and title of officer)
Kenneth Manning	who proved to me on the basis of satisfactory evidence to be
	instrument and acknowledged to me that he she/they executed
the same in his/her/their authorized canacity(ies) and that h	y(his/her/their signature(s)) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, execut	ed the instrument
,	
I certify under the PENALTY OF PERJURY under the laws	
	s of the State of California that the foregoing paragraph is true
and correct.	***************************************
	REGINA M. RODEEN
witness my hand and official seal.	REGINA M. RODEEN Commission # 1847520 Notary Public - California
	REGINA M. RODEEN Commission # 1847520

Page 3 of 3

Rev. 5/1/09

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BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Soil Enterprises, Inc.	as PRINCIPAL,
and Indemnity Company of California	, a corporation duly organized under the
laws of the State of California	and duly licensed to become sole surety on bonds
required or authorized by the State of Californ	ia, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"),	in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Princi	pal above named, submitted by said Principal to the
City of San Jose, for the work described below	r; for the payment of which sum in lawful money of
the United States, well and truly to be made, we	bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by	v these presents. In no case shall the liability of the
Surety hereunder exceed the sum of Ten Perce	ent of the Total Amount of Bid DOLLARS (\$
0% of Bid)	

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, October 1, 2009 for Arzino Ranch Demolition.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

		ve hereunto set our hands and seals on this 23rd
day of Septemb	per, 20	
PRINC	TIPAL	SURETY
	iterprises, Inc. Company Name	Indemnity Company of California Legal Company Name
Corpor Indicate	e Type of Entity	
By file:	Mo-1	By Our Corney in Fact Title: David Weise, Attorney in Fact
By	- All All All All All All All All All Al	By Title:
	(Affi	x Corporate Seals)
(Attach Acknowledgments	of both Principal and Surety signatures)

ACKNOWLEDGMENT

State of California County of Sacramento		
On9/23/09	_ before me,	Tina S. Salas , Notary Public
		(insert name and title of the officer)
personally appearedDavid V	Veise	,
who proved to me on the basis of subscribed to the within instrumer his/her/their authorized capacity(in	satisfactory enter nt and acknow es), and that b	vidence to be the person(s) whose name(s) is/are ledged to me that he/she/they executed the same in y his/her/their signature(s) on the instrument the person(s) acted, executed the instrument.
I certify under PENALTY OF PER paragraph is true and correct.	JURY under t	he laws of the State of California that the foregoing
WITNESS my hand and official se	eal.	TINA S. SALAS COMM. #1829728 NOTARY PUBLIC • CALIFORNIA G SACRAMENTO COUNTY Comm. Exp. JAN. 6, 2013
Signature 1100 Sai _	<u> AULIU</u>	(Seal)

POWER OF ATTORNEY FOR DEVELOPERS SURETY AND INDEMNITY COMPANY INDEMNITY COMPANY OF CALIFORNIA

PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that as except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Mark Freeman, Nicki Orr, Steven J. Reeves, David Weise, jointly or severally

as their true and lawful Attomey(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that the chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Vice President and attested by their respective Assistant Secretary this January 1st, 2008.

Stephen T. Pate, Senior Vice President

State of California County of Orange

personally appeared

January 1st, 2008

before me.

Christopher J. Roach, Notary Public

Here Insert Name and Title of the Officer

Stephen T. Pate and Charles L. Day

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official sea

CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 23rdday of September, 2009

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CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

September 15, 2009

Addendum #1 ARZINO RANCH DEMOLITION

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the ARZINO RANCH DEMOLITION PROJECT.

GENERAL:

Please find the attached revised **Notice to Contractors** in which the Contractor's license requirement has been modified to accept an A or B license.

INSTRUCTIONS TO BIDDERS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy of this addendum with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal and will be considered cause for rejection of bid as non-responsive.

Approved by

Katherine Jersen for

Katy Allen

Director of Public Works

Soil Enterprises, Inc. 9-25-09
Bidder's Name Date

Signature and Title of Bidder



Department of Public Works

CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

September 28, 2009

Addendum #2 ARZINO RANCH DEMOLITION

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the ARZINO RANCH DEMOLITION PROJECT.

GENERAL:

A second NON-MANDATORY walk through at Arzino Ranch will be held Wednesday September 30, 2009 at 9 am lasting for a maximum of 2 hours to provide bidders an opportunity to further view the project site.

If there are additional questions, send them in writing by email to <u>ellen.croutch@sanjoseca.gov</u> by 3:00 PM September 30, 2009.

The bid opening is hereby changed from Thursday October 1, 2009 at 3 pm to Tuesday October 6, 2009 at 3 pm. Please find attached the revised Notice to Contractors

Attached are the bidders Requests for Information and associated responses.

INSTRUCTIONS TO BIDDERS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy of this addendum with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal and will be considered cause for rejection of bid as non-responsive.

Katherine Jensen for
Katy Allen
Director of Public Works

MERNIFALINSES IN 929-09

Approved by-

Bidder's Name

Date

Signature and Title of Bidder

DE OF

200 E. Santa Clara Street, T6 • San José, CA 95113 • tel (408) 535-8377 • fax (408) www.sanjoseca.gov

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Department of Public Works

CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

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September 30, 2009

Addendum #3 ARZINO RANCH DEMOLITION

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the ARZINO RANCH DEMOLITION PROJECT.

GENERAL

Please find attached Addenda No. 3. A complete listing of all modified Specifications and Drawings sheets is included in the attached documentation.

Attached also are the bidders Requests for Information received between September 25, 2009 and September 30, 2009 at 3pm and associated responses.

Attached also is the Mandatory Job Walk Sign In Sheet.

INSTRUCTIONS TO BIDDERS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy of this addendum with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal and will be considered cause for rejection of bid as non-responsive.

Approved by

Katherine Jengen fo

Katy Allen

Director of Public Works

Bidder's Name

Tlata

Signature and fitte of Bidder

Merianos

200 E. Santa Clara Street, T6 • San José, CA 95113 • tel (408) 535-8377 • fux (408) 292-6288 www.sanjoseca.gov



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LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

	 	 	 	 		
Parameters and the second seco				ACACIA KACSON CONTROL	PHAGEAMANCE ABATEMENT-SEMANA RICHMOND, CA.	NAME OF STROOM PROCESS.
				SAVITA BARBARA, CA. HYPROSERDIAC	Cichmono, CA	Place to the series
				HUMOSTEDING	ASBESTS MOLEND PRATIENT	TAPORFION (DESCRIPTION) OF WORK

STATEMENT OF BIDDER'S EXPERIENCE

(C) . The bidder is required to have successfully completed within the last five (5) years at least three (3) projects of similar magnitude as the one described in the Plans and Specifications. To meet the requirement of being of "similar magnitude" each project must have involved the demolition of an existing building or structures containing hazardous materials and the total amount of the construction contract at the time

of award exceeded \$100,000. The bidder must demonstrate that is has the necessary experience within the last five (5) years of three (projects of similar magnitude by completing this Statement of Bidder's Experience form. The bidder should feel free to attach informative garding any additional projects of similar magnitude beyond the required three (3).
Project Number 1
Project Name FORM UNO DEMONITUM AND USEMPANG
Name of Project Owner Four Oleo PAUSE AUTHORAN
Description of Demolition Work Involving Hazardous Materials SWUDIMUS WITH PSEASIES AND LEAD
PAWY WASSEDTED ERDMILDES CETALING
Total Amount of Contract at the Time of Award 294, 837 22
Name and Current Phone Number of Owner's Project Manager Miles Downson LFR 503-729-146

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Rev. 5/18/09

Name and Current Phone Number of One Other Person Who You Believe is Best Qualified to Answer Questions Regarding the Bidders

Performance on the Project Bayland Mc and LIM -

Project Number 3

NOWAT THINK HIGH SUMON Project Name Name of Project Owner WUNTH THINEY SUMED DISTINGS

HOUR SOMET WITH Description of Demolition Work Involving Hazardous Materials Mandeline OF

Total Amount of Contract at the Time of Award

Name and Current Phone Number of Owner's Project Manager 7500 Franklist

530-581-7093 RUDGLAH AND SLETTEN CLONST Name and Current Phone Number of One Other Person Who You Believe is Best Qualified to Answer Questions Regarding the Bidders 510-236-0350 OAS Performance on the Project -TODO For Busit

Page 3 of 3